

Dear Friend of KLICE,

We are pleased to present the January 2017 *KLICE Comment*.

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The Right Kind of ‘Secular State’ – a Christian Perspective

On 17 January the University of Warwick released ***A Secularist Response to the Commission on Religion and Belief in British Public Life***.^[1] This is a rejoinder to the Commission’s report ***Living with Difference: Community, Diversity and the Common Good*** published in December 2015. The CORAB report proposed a ‘new settlement’ on the place of religion in public life in view of the current rapid shifts in religious allegiance and identity in British society. It argued that a growing *de facto* plurality be better accommodated in the *de jure* institutional and constitutional status of religion and belief and reflected in public policy. It projected an appealing ‘vision ... of a society at ease with itself ... in which [all] feel at home as part of an ongoing national story ...’ (*Living With Difference*, p11). The report unleashed many vigorous responses, including many from Christians, several of which, **in my view**, were hasty and dismissive.

While endorsing some of CORAB’s recommendations, *A Secularist Response* is overwhelmingly negative. It charges that ‘the Commission’s attempt to put religion at the very centre of British public life offers a one-dimensional, diminished and limited view of modern British society’. Instead it claims that its own ‘secularist vision’ is the one that can provide an ‘inclusive and positive secularist framework based on shared values’, with the goal of ending ‘unjustified religious privilege’ and ensuring that ‘the rights and freedoms of all citizens are afforded equal weight and protection’ (p3).

Before addressing what I think is the fundamental issue at stake, let

me note one specific claim in *A Secularist Response* that seems plausible, two that are misplaced and two that seem misconceived.

A *prima facie* plausible claim is that 'secular opinions' were 'inadequately represented' on CORAB (p2). Only one of the twenty commissioners openly represented a secularist position, namely Andrew Copson, Chief Executive of the British Humanist Association (BHA). Given that fact that commissioners were supposed to be 'diverse in their religious, philosophical and political outlooks' (*Living With Difference*, p10), the complaint seems valid: while 'religion' was amply represented, 'belief' clearly was not. I do think the CORAB report should at least have defended this choice explicitly (although I don't know if invitations to other secularists were declined, such that the imbalance was self-imposed). *A Secularist Response* then concedes, however, that because of this imbalance, 'many non-religious individuals and organisations (including the National Secular Society) did not submit any evidence' (p2). That decision, of course, necessarily made the secularist voice even less audible.

But I think a case could have been made by CORAB that, if commissioners judged that religious voices are often not given sufficient weight in a society which is, by default, predominantly secular in ethos, a commission consisting mainly or even only of religious voices would have been eminently justified. The report could then have been presented as a contribution from the religious side, and an invitation then issued to secularists to come up with their own, which could then be brought into debate with religious ones at a later stage.

One of the misplaced claims is the recurring critique of the CORAB report that it fails to back up its claims with evidence and justification. Now *Living With Difference* is 100 pages long, drew on 250 written submissions and sports 212 notes and a bibliography running to well over 200 works. *A Secularist Response* is 23 pages long, has 6 notes, and itself contains several undocumented and inadequately reasoned claims. The expert panel which drafted the document apparently met for only one day compared to CORAB's two years, but in view of that very limited investment of time and resources, a touch of modesty on the point might have been in order.

The second misplaced claim is that the document asserts at several places that public funds should not be used to support causes based on religion or belief (pp8, 17). Yet it itself has benefited from public funding in order openly to propound what it terms a 'secularist vision'.^[2] Its authors, perhaps, regard that 'vision' as somehow not falling under 'religion and belief' at all – as a meta-position not implying any deeper philosophical commitments. If so, that is a highly contestable assumption that certainly begs for justification.

A claim that seems plainly misconceived is that the CORAB report is wrong to call for greater 'literacy' about religion and belief at a time when religion is undergoing substantial decline (p5) – as if decline somehow licenses ignorance. It is abundantly clear that, notwithstanding numerical decline (at least in mainline Christian denominations), religion is growing substantially in public significance – for good and bad reasons, and with good and bad results. At such a time, it is head-in-the sand folly to oppose moves towards greater religious literacy. Such literacy must, of course, be about both religion *and belief*, including secular humanism, which the document, and CORAB, rightly argue should be on the schools RE curriculum.

Another misconceived criticism is levelled at CORAB's call for a 'national conversation' about public values to be 'launched ... by leaders of faith communities and ethical traditions'. This is held to assume 'a notion of communal representation that is completely at odds with British traditions and values', assigning a 'quasi-feudal role to religious leaders' at a time when believers 'pay little attention to [their] directives' (p4). There is indeed a proper concern about how 'representatives' of certain religious (and secular?) communities are selected, but this blanket criticism is surely overblown. Would the authors apply it to the representative role, in national conversations about the economy, of leaders of trades unions or business and professional associations?

Those specific concerns aside, *A Secularist Response* illustrates the great difficulty, not only of approaching substantive agreements on the place of religion in public life, but simply of defining what the disagreements are about. One dispiriting feature of the recent debate is that voices on each side castigate the other for being 'discriminatory' towards them, while also accusing the other of

enjoying a 'privileged' position in public life that they are denied.

I think one of the fundamental reasons for this kind of conversational obstacle arises, on the secularist side, from a recurring conflation, evident also in *A Secularist Response*, of two ideas that must be kept clearly distinct and which do not imply each other: the principle of *state neutrality towards religion and belief*,^[3] and the goal of *diminishing the influence of religion in public life*.^[4]

The authors suppose that they are elaborating their 'secularist vision' merely in terms of an unproblematic account of state neutrality. Thus, a secular state keeps 'an equal, impartial and dispassionate distance from all systems of religion and belief', neither granting 'special privileges' to any nor imposing 'special restrictions' on any. It protects the state from religious interference – securing freedoms for both believers and non-believers – and in turn protects religion from the state (p22).

There is much in this that is defensible. I actually think a principle of state neutrality is mandated by the combined force of the theological principles of the freedom of personal faith, the autonomy of the church and the limited mandate of the state to administer external justice in the public realm of society (and not to play at 'soulcraft'). On such a view, the state should not *officially* endorse or favour one religion (indeed any worldview) over another but should deal even-handedly with all, within the law. This implies a religiously limited state – call it a 'secular' state if you will – but not a secularist one.^[5]

But, crucially, not all versions of state neutrality imply that the state should *distance* itself from religion and belief, as *A Secularist Response* proposes. That resembles the 'separationist' version predominant in the USA, where the constitution forbids 'excessive entanglement' between state and religion, and even more so that of France, where *laïcité* is widely understood to require the state to take no cognisance of religion at all.

By contrast, a number of European states, including the UK to some extent, adopt a 'cooperationist' model of the state-religion relationship (although it is not always consistently applied). There, neutrality is taken to imply even-handedness, but not distance. Such states

facilitate the voices of religion and belief in the public and political realms, but they are committed to doing so equally for all (lawful) voices. And where such states elicit the participation of one variant of religion or belief in the delivery of public services (education, health, social services, media, etc.), they are expected to allow the same to others. Many religious bodies receive public funding to that end.

Proximity is not incompatible with impartiality.

Indeed, were a state to preside over a system of public services that was uniformly shaped by a secularist worldview and from which religious collaborators were excluded, it would in fact *breach* the principle of impartiality.

The authors of *A Secularist Response* commendably disavow any desire that a secular state should be dominated by a secularist *worldview*. The ‘secularism’ they advance rejects ‘an authoritarian attempt to force religion out of public life and to impose a particular (usually non-religious) worldview...’ (pp21-22). I suggest, however, that by building ‘distance from religion’ into their very definition of state neutrality, they inadvertently favour policies that have those very effects.[6]

Thus, whereas cooperationist regimes are ready to fund many faith schools, *A Secularist Response* calls for an outright ban on such funding, even for mainstream church schools in great demand. Since this would effectively prevent most religious parents from educating their children in accordance with their own convictions and ethos (since they couldn’t afford private schooling), it is hard to see how this advances the document’s professed vision of an ‘inclusive’ society.

‘Public funding should serve public ends’, it solemnly, and rightly, intones (p16). But it is operating here with a needlessly constricted notion of ‘public ends’, one which assumes that ‘publicness’ is necessarily undermined rather than strengthened by ‘particularity’ – by the state engaging in constructive partnerships with plural communities of religion and belief in the delivery of public service.

Publicness is not incompatible with particularity.

Before we can have a productive conversation about the scope and

limits of how the state might enlist such ‘particularity’ in various areas of society such as education, media, social welfare or mediation, or about how to know when one religion or belief is unduly ‘privileged’, we’d better first have a richer debate about what we mean by ‘public’. In my view this document’s monochrome, flattened notion of ‘public’ turns out to deliver what it charges the CORAB report of promoting – a ‘one-dimensional, diminished and limited view of modern British society’. That fundamental disagreement should be top of the agenda for the future debate between religionists and secularists about the role of religion in public life.

[1] It is the product of an ‘expert panel’ convened at the university on 8 March 2016, but with the usual disclaimer that its views ‘do not reflect the view of the University of Warwick’ (p1). Its publication date is November 2016.

[2] On p1 it acknowledges receipt of funds from the publicly-funded University of Warwick and the research council ESRC.

[3] This is also misleadingly equated with the narrower principle of the ‘separation of church and state’.

[4] This conflation is surprising given the extensive and highly nuanced discussions of these ideas now available in the scholarly literature. See, e.g.: J. L. Cohen & C. Laborde (eds), *Religion, Secularism, and Constitutional Democracy* (Columbia University Press 2016); C. Calhoun et al (eds), *Rethinking Secularism* (Oxford University Press 2011).

[5] In my view (which I can’t elaborate here) such a position ultimately makes Establishment indefensible, even if aspects of it are either pragmatically useful or just inoffensive. Thus I personally support three specific proposals in *A Secularist Response* (KLICE takes no position on them): that the statutory duty on state schools to conduct Christian worship be repealed; that the automatic right of 26 Anglican bishops to sit in the House of Lords be terminated; that a Christian coronation service be replaced by a civic ceremony taking place in (for example) Westminster Hall.

[6] The confusion is reinforced by the further claim that the term 'secular' refers to 'aspects of social and political life that are not connected to religion or belief' (p25 n3). Says who? Is it not up to adherents of religions or beliefs to decide for themselves what their convictions are 'connected to'? That doesn't mean that their claims or aspirations prevail over those of others or over public law, but it does mean that the 'non-religious' have no right to determine for such adherents how far the public implications of their convictions reach.